

REMARKS

This amendment is in response to the final Office Action dated November 30, 2009. Claims 28, 34 and 43 are amended without prejudice to the subject matter involved. Claims 28 – 29, 33 – 39 and 41 – 43 are in the application upon entry of this amendment; claims 33, 36, 38 and 39 stand withdrawn from consideration. Applicants reserve the right to pursue any cancelled or withdrawn subject matter in one or more continuing applications.

The Examiner is requested to enter and consider this Amendment even though presented after final rejection since the amendments narrow the scope of the claims, overcome the cited prior art, put the instant amended claims in condition for allowance, and require no additional search and little additional effort on the part of the Examiner.

Claims 28, 29, 34, 35, 37 and 41 – 43 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,956,129 to Scher et al. Applicants respectfully traverse this ground of rejection.

The Examiner contends that the instant claims are anticipated by Scher et al. as salicylic acid fits structure (ID) where X is OH and Z is carboxylate. In order to advance the prosecution, Applicants amend claims 28, 34 and 43 wherein Z if present is sulphonate, phosphonate, phosphate, quaternary ammonium, betaine, oxyethylene or an oxyethylene-containing polymer. Accordingly, salicylic acid does not fit structure (ID) and, therefore, Scher et al. does not anticipate the instant claims.

In view of the foregoing, Applicants contend that the disclosure in Scher et al. is inadequate to support a rejection grounded upon 35 USC § 102. Reconsideration and withdrawal thereof are earnestly requested.

In view of the above amendments and remarks, Applicants submit that the present claims are allowable over the cited art. Withdrawal of all rejections is respectfully requested, along with issuance of a Notice of Allowance. Applicants invite the Examiner to telephone the undersigned attorney of record if the Examiner feels that the call will be beneficial to advance prosecution of the application.

Respectfully submitted,

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